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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|-----------------------------|
| JEFFREY E. SIMPSON, | : | NO. 4:CV-10-1187 |
| Plaintiff | : | |
| | : | |
| v. | : | (Muir, J.) |
| | : | |
| THE UNITED STATES OF AMERICA, | : | |
| B. A. BLEDSOE, AND | : | |
| HARLEY LAPPIN, individually and in | : | |
| their official capacities, | : | |
| Defendants | : | Electronically Filed |

**MOTION TO DISMISS AND/OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants, the United States of America, B.A. Bledsoe, and Harley Lappin, move this Court to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and/or, in the alternative, to enter summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b).

A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Plaintiff's concurrence is not required under Local Rule 7.1 because
Simpson is a pro se prisoner.

Respectfully submitted,

PETER J. SMITH
United States Attorney

s/ Stephen R. Cerutti II

STEPHEN R. CERUTTI II
Assistant United States Attorney
PA Bar # 90744
CYNTHIA E. ROMAN
Paralegal Specialist
240 West Fourth Street, Suite 316
Williamsport, PA 17701
Phone: (717) 221-4482
Fax: (717)221-2246
Stephen.Cerutti@usdoj.gov

January 5, 2011

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on January 5, 2011, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelope and contents in the United States Mail in Harrisburg, Pennsylvania.

Addressee:

Jeffrey E. Simpson
Reg. No. 04394-036
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

s/Cynthia E. Roman
CYNTHIA E. ROMAN
Paralegal Specialist